

FILED
CLERK U.S. DISTRICT COURT
-4 MAY 00 PM 3: 04
DISTRICT OF UTAH

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

DARREN W. SADLIER,

Petitioner,

v.

HANK GALETKA,

Respondent.

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ORDER

Case No. 2:00CV144K

BY: _____
DEPUTY CLERK

The Petitioner in this matter filed a petition for habeas corpus under 28 U.S.C. § 2254, making several claims in connection with his arrest on February 2, 2000 and his subsequent transfer from Colorado to Utah. This matter was referred to the Magistrate Judge under 28 U.S.C. § 636 (b)(1)(B). The Magistrate Judge issued a Report and Recommendation recommending that petitioner's claims are barred because the petitioner has failed to exhaust his available state remedies. Petitioner objected to the Magistrate Judge's Report and Recommendation.

The Court has reviewed Petitioner's file *de novo* and has duly considered Petitioner's objections, which were filed on April 22, 2000. The Court has carefully reviewed the Magistrate Judge's Report and Recommendation. Finding no merit in Plaintiff's objections, the Court approves and adopts the Magistrate Judge's Report and Recommendation in all its particulars.

The petitioner raised the following grounds for relief: (1) he was not shown a copy of the arrest warrant after requesting to see it; (2) he was searched and seized without probable cause; (3) he was never told the "cause and authority of the arrest" nor was he told his rights; (4) he was never taken in front of a judge to determine that he was the one named in the alleged arrest warrant; (5) he was never given a chance to procure legal counsel nor to let the legality of his

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arrest; (6) he was transported to Utah from Colorado without an extradition hearing and without signing a waiver of the hearing; (7) his location was obtained by an unlawful wiretap; and (8) he was never taken before a judge after his February 2, 2000 arrest and has been denied his right to a speedy trial. Petitioner has not filed a petition for a writ of habeas corpus in state court or otherwise exhausted his state court remedies.

For the reasons stated above, it is hereby ORDERED that the Report and Recommendation is ADOPTED in its entirety and this matter is DISMISSED without prejudice.

DATED this 4th day of May 1999


DALE A. KIMBALL
United States District Judge

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United States District Court
for the
District of Utah
May 5, 2000

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:00-cv-00144

True and correct copies of the attached were either mailed or faxed by the clerk to the following:

Civil Litigation, Esq.
CIVIL APPEALS
160 E 300 S SIXTH FLOOR
PO BOX 140856
SALT LAKE CITY, UT 84114-0856

Darren William Sadlier
3490 E 1500 S
VERNAL, UT 84078